



# **MINUTES OF THE COMMON COUNCIL**

**WEDNESDAY, APRIL 6, 2016, 7:00 P.M.**

**COUNCIL CHAMBERS  
Room 203, City Hall**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Vanessa Chavez. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, M. Steuer, B. Danzinger, T. Sladek. Excused: None. Tardy: G. Zima.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to approve the minutes of the March 15, 2016, meeting. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to approve the agenda. Motion carried.

## **REPORT BY THE MAYOR**

Mayor Schmitt introduced the new City Attorney Vanessa Chavez. He offered congratulations to those who were elected and those who ran for office.

## **PUBLIC HEARINGS**

Public Hearing regarding vacation of portions of University Avenue, Clement Street, University Way and Fred Street. (Item #11)

No one appeared.

Zoning Ordinance No. 7-16

An ordinance creating a Planned Unit Development (PUD) Overlay District for properties located in the 2400 block of Sturgeon Bay Road (2400 block University Avenue). (Item #15)

Moved by Ald. Nennig, seconded by Ald. Steuer to suspend the rules to allow interested parties to speak. Motion carried.

Dr. Timothy Pease stated that this is a great project, but he is against the placement of the billboard.

Moved by Ald. Moore, seconded by Ald. Nennig to return to the regular order of business. Motion carried.

Moved by Ald. Moore, seconded by Ald. Wery to amend the ordinance so that the billboard be relocated within the development property with the location to be agreed upon by Developer, City Staff and Billboard owner.

Moved by Ald. Scannell, seconded by Ald. Steuer to suspend the rules to adopt the resolution and ordinance. Motion carried.

## **RECOGNITION**

Outgoing alderpersons Jerry Wiezbiskie, Tim DeWane and Brian Danzinger were recognized.

Jean O'Brien and Cheryl Komorosky were recognized as Employees of the Year.

## **PETITIONS & COMMUNICATIONS**

### **FINANCE COMMITTEE**

Request by Ald. Moore to set aside \$3,000,000 of Stadium District Excess Tax Revenue for Lead Pipe Service Line upgrades.

\*Reimburse up to \$3,000 if private owner upgrades prior to 2017

\*Reimburse up to \$2,000 if upgrades are done between 1/1/17 and 6/30/17

\*Reimburse up to \$1,000 if upgrades are done between 7/1/17 and 12/31/17

Request by Ald. Wiezbiskie, on behalf of J. Grzeca to consider a wheel tax to replace the tax on property for road repairs.

Request by Ald. Moore to review the remaining budgeted dollars in our elections account and consider raises or incentives for poll workers in November.

#### FINANCE COMMITTEE AND IT DEPARTMENT

Request by Ald. Steuer to check and correct links on the City website, to improve search and navigation methods, and to enter more current reference content.

#### IMPROVEMENT & SERVICE COMMITTEE

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. Allied Concrete Construction, Inc.
- B. Andersen Basement Repair, Inc.
- C. Frank O. Zeise Construction Co., Inc.
- D. E & I Concrete Construction
- E. Delrar, Inc.
- F. Howard Immel, Inc.
- G. Ken's Concrete LLC
- H. Loch Construction Co., LLC
- I. Tom Phillips Construction, Inc.
- J. J.C. Santy Construction, LLC
- K. Concrete Finishers, LLC
- L. Carter Construction
- M. Ray Jaeger Construction, Inc.
- N. KPC Concrete Contractors, LLC
- O. Blaser Construction, LLC

Applications for Tree & Brush Trimmer Licenses by the following:

- A. Carl Tree Service
- B. Bucksaw Tree Service

Request by Ald. Moore to eliminate any connection fees for Private Lead Pipe Service Line upgrades through 12/31/17.

Request by Ald. Moore to review our current policy regarding postcard surveys for scheduling street repairs and to take possible action on modifying or eliminating this process.

Request by Ald. Zima that the City consider placing a street light in the vicinity of 1020 Twelfth Avenue.

#### INSPECTION DEPARTMENT

Request by Ald. Steuer to contact various construction/home repair companies who leave up signage after their projects are finished.

## LEGAL AND MAYOR'S OFFICE

Request by Ald. Moore to lobby the Governor's Office for \$1,700,000 in emergency or grant funding for lead service line upgrades.

## PLAN COMMISSION

Request by Ald. Moore to eliminate all permit fees for Private Lead Pipe Service Line upgrades through 12/31/17.

## PROTECTION & WELFARE COMMITTEE

Request by the owner of Brewski's on Broadway, 1100 S. Broadway, to hold outdoor events on May 14 and 21.

Application for a Class "B" Beverage License by OM JAK Main Wings, Inc. at 1980 Main Street.

Notice of the change of agent for Kwik Trip 420 at 1712 E. Mason Street.

Appeal by Kiaran Coit to the denial of his Public Vehicle Operator License application.

Appeal by George Boettner to the denial of his Public Vehicle Operator License application.

Request by Ald. Moore to lobby local State Leadership on the following items:

- \*Realtors must disclose Lead Pipe Service Lines as adverse material facts when known
- \*Add Lead Pipe disclosure form similar to Lead Paint Disclosure
- \*Change Landlord Tenant Law, that a Landlord must disclose Lead Pipe Service lines in rental properties prior to agreeing to a lease with a tenant.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

## REPORTS FOR COUNCIL ACTION

### REPORT OF THE PARK COMMITTEE

April 6, 2016

The Park Committee, having met on Wednesday, March 30, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Compassion International, a non-profit 501c3 organization, to hold a Walk with Compassion event on June 18, 2016, at Joannes Park contingent upon the following:
  - All costs of the event are the responsibility of Compassion International;
  - All proper permits and insurances being obtained;
  - Must adhere to all noise ordinances and regulations;
  - Final approval of the City's Special Events Committee.
2. To approve the Bullfrogs schedule of events for the 2016 season, allow a Boy Scout Campout at Joannes Stadium on June 11, 2016, and to allow dogs to be in Joannes Stadium on June 26, 2016, for the Bark in the Park event contingent upon the following:
  - All proper permits and insurances being obtained;
  - Final special event approval from the City Special Events Committee;
  - Prohibiting the sale of hard liquor;
  - Must adhere to all noise ordinances and regulations;
  - Bullfrogs responsible for requesting proof of vaccinations and licenses for each dog entering Joannes Stadium for the Bark in the Park event;
  - The Park Committee and City Council to temporarily suspend Ordinance 25.04-9 to allow dogs at Joannes Stadium, but still require them to be on a leash, on June 26, 2016, for Bark in the Park event.
3. To accept a donation of ornamental light poles and fixtures at Whitney Park from Garritt Bader contingent upon the following:
  - All costs of materials, construction, and installation are the responsibility of Garritt Bader;
  - Park staff approval of the final site design and installation plans;
  - Once installed, it becomes City property;
  - All proper permits and insurances being obtained;
  - All materials must meet the City of Green Bay buildings and inspection codes.
4. To forward the \$5,000,000 Colburn neighborhood pool concept to the full City Council for discussion.
5. To award a contract to Commercial Recreation Specialist for the design and manufacture of a custom climbing wall for the Joannes Aquatic Center for \$28,581.
6. To receive and place on file the Director's Report.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt Item #4.

Moved by Ald. Wery, seconded by Ald. Thomas DeWane to suspend the rules to allow interested parties to speak. Motion carried.

The following people spoke in favor of a 50 meter pool:

Kelly and Dan Rowe, 1710 King of Arms Drive  
Emma Lasecki, 1509 Belle Plane Court  
Roselyn Stoa, 2681 Vail Court  
Heidi Neverman, 3560 Algoma Road  
Liz Ely, 2312 Crescent Square  
Alec Tuttle, 1394 Wellington Drive, Suamico  
Amanda Tuttle, 1394 Wellington Drive, Suamico, presented a number of letters in favor of the 50 meter pool.  
Olivia Crooks, 2763 Whippoorwill Drive  
Regan Allen, 1931 W Telemark Circle  
Tim Scanlan, 1332 Angels Path #28, DePere  
Reed Robelot, 118 S. Washington, Apt. 304B  
Amy Olson Guillen, 1721 East Shore Circle  
Janet Angus, 1403 Shirley  
Amanda Tuttle also presented a number of letters in favor of the 50 meter pool.  
Moved by Ald. Nicholson, seconded by Ald. Scannell to return to the regular order of business. Motion carried.  
Moved by Ald. Wery, seconded by Ald. Steuer to refer Item #4 back to the Park Committee.  
*Roll call:* Ayes: Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: Wiezbiskie. Motion carried.

## **REPORT OF THE TRAFFIC COMMISSION April 6, 2016**

The Traffic Commission having met Monday, March 14, 2016 considered all matters on its agenda and wishes to report and recommends the following:

1. That Matt Kuepers remains Chair and Dan Theno remains Vice Chair of the Traffic Commission.
2. To change the existing southbound curb lane on Challenger Drive at East Mason Street from a through right-turn lane to a right-turn only lane.
3. To change the existing southbound curb lane on Ontario Road at East Mason Street from a through right-turn lane to a right-turn only lane.
4. To receive and place on file the request to establish a 4-WAY STOP condition at the intersection of Spence Street and Thorndale Street.
5. To receive and place on file the request to establish a 4-WAY STOP condition at the intersection of Shirley Street and Locust Street.

6. To have DPW staff review the intersection sight distance of Shirley Street and Locust Street.
7. To postpone the request to establish a NO STOPPING OR STANDING zone on both sides of Western Avenue at Hudson Street to the April 18, 2016 Traffic Commission meeting so staff can contact Franklin Middle School staff to ask they communicate parking concerns with student parents.
8. For staff to collect speeds on both Locust and Platten Streets from Dousman Street to Velp Avenue to determine the effectiveness of the number of SPEED LIMIT 25 signs along both streets.
9. To receive and place on file the request to consider safer and more effective alternatives to the present trail signage on Shawano Avenue (between Oneida and Fisk Streets) and on North Military Avenue (between Dousman and Bond Streets).
10. To receive and place on file the request to review various school opening and closing times to see if there are safer and more efficient ways to better handle school bus and pedestrian traffic.
11. To refer to DPW staff the request to consider installing a left-turn arrow signal on southbound Military Avenue, turning east onto Bond Street.
12. To refer to staff the request to consider the renaming of the Traffic Commission to the new designation of "The Bicycle, Pedestrian, & Traffic Commission."
13. To refer to staff the request to consider revisions to the Municipal Code pertaining to the rule of the Traffic Commission in regards to access pedestrian/bike considerations and alternative traffic goals within the community.
14. To receive and place on file the crossing guard study along South Monroe Avenue near Aldo Leopold School.
15. To adopt by ordinance the removal of the 2-HOUR 7 AM TO 4 PM SCHOOL DAYS zone on the east side of Ridge Road from a point 60 feet south of Shirley Street to a point 680 feet south of Shirley Street.
16. To adopt by ordinance the removal of the 2-HOUR 7 AM TO 4 PM SCHOOL DAYS zone on the west side of Ridge Road from a point 114 feet south of Shirley Street to a point 680 feet south of Shirley Street.
17. To adopt by ordinance to establish a 2-HOUR 7 AM TO 4 PM SCHOOL DAYS zone on the east side of Ridge Road from a point 60 feet south of Shirley Street to Hickory Hill Drive.

18. To adopt by ordinance to establish a 2-HOUR 7 AM TO 4 PM SCHOOL DAYS zone on the west side of Ridge Road from a point 114 feet south of Shirley Street to Hickory Hill Drive.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #4.

Moved by Ald. Wery, seconded by Ald. Moore to amend Item #4 by approving the request. Motion carried.

Moved by Ald. Wery, seconded by Ald. Moore to adopt Item #4 as amended. Motion carried.

## **REPORT OF THE FINANCE COMMITTEE APRIL 6, 2016**

The Finance Committee having met on Tuesday, March 22, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by the City Assessor to cancel certain real and personal property taxes.
2. To hold until the next Finance Committee meeting the request by Ald. Zima to pay property taxes on behalf of St. Patrick's Church on 505-515 Clinton Street to allow time for the Assessor's office to review assessed value of the two parcels and bring their findings back to the Finance Committee.
3. To hold the request by Ald. Chris Wery until the next Finance Committee meeting to live stream City Council meetings and have IT continue researching different streaming options.
4. To receive and place on file the request of Ald. Moore the report of the next five callable bonds with balance due (payment in full) and estimated interest savings by paying each in full.
5. To hold the request by Ald. Tom DeWane, on behalf of Scott Vanidestine, to fund up to 30 utility belts for the Police Explorer Program to be used for training competition in order for the Police Department to research funding needs based on the overall program and bring back their findings to the next finance committee.
6. To approve Ald. Steuer to work through the application process that would incorporate bringing all three groups to the City from the 3<sup>rd</sup> US Infantry Regiment from Fort Myer, VA to Green Bay on August 7, 2016 to celebrate



the 200<sup>th</sup> anniversary of the landing of American troops in the area, potentially at no cost. Should there be a cost associated with this endeavor; Ald. Steuer would bring that cost back to the finance committee.

7. A motion to hold this agenda item while additional information is being gathered on the total building costs and business plan detail to be presented at the next finance committee meeting along with closed session language.
8. To hold until next meeting the request by Ald. Chris Wery that, should the Colburn Olympic Pool Project come in higher than the original \$4.5 million estimate, up to \$1 million of the excess stadium tax revenue be utilized to fund the overage. (Carried over from January 12, 2016 Finance Committee meeting.)

2016 Contingency Fund  
\$60,000

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to adopt the report.  
Motion carried.

## **REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE April 6, 2016**

The Improvement and Service Committee, having met on March 23, 2016 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by 360 Development to place objects in the right-of-way of the Public Alley north of Cherry Street, south of Pine Street, west of Washington Street, utility services for redevelopment of the Watermark Building contingent upon receiving the applicable insurance, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.
2. To approve the request by Blue Viper LLC to enter into a Developer's Agreement for the construction of public infrastructure to support the Bradley Estates and Superior Heights subdivisions. The executed Developer's Agreement will be reported to the Committee.
3. To approve the request by University Avenue Center LLC to enter into a Developer's Agreement for the construction of public infrastructure to support the development in the general location bordered by Fred Street, Van Deuren Street, Sturgeon Bay Road, and University Way. The executed Developer's Agreement will be reported to the Committee.

4. To receive and place on file the request by Ald. Zima, on behalf of all people who cross the Walnut Street Bridge, that the Department of Public Works provide emergency repairs to the railroad crossing at about 100 West Walnut Street.
5. To receive and place on file the request by Ald. Moore to delay construction of an all-purpose trail on the south side of University Avenue from Humboldt Road to Curry Lane until a sufficient time for public comment has passed. Staff or the Contractor shall notify all the residents along the project route of the construction schedule.
6. To approve the request by Ald. Moore for DPW to send out an RFP to receive bids on a consultant to advise the City in implementing a plan for floodwater remediation with the award being brought to Committee for approval.
7. To approve the request by Department of Public Works to award a Professional Engineering Service Contract with Brown & Caldwell for the Elizabeth Street Drainage Basin Hydraulic and Hydrology Analysis.
8. To approve the report of the Purchasing Manager:
  - A. To approve the purchase of streetlight poles, luminaires, wire, and electrical accessories to the following vendors:
    - Cisco Distributing - \$35,556
    - TAPCO - \$83,329
    - Werner Electric - \$14,672
  - B. To approve a contract for Sanitary Sewer Televising for 2016 to Northern Pipe for \$292,530.
9. To approve and award the following contracts to the low, responsive bidders:
  - A. To approve to award contract PARKS PROJECT 2-16 (ARNIE WOLFF SOCCER FIELDS – PHASE III) to Peters Concrete Co., in the amount of \$198,174.60.
  - B. To approve to award contract PAVEMENT 1-16 to Peters Concrete, in the amount of \$255,869.00.
  - C. To approve to award contract PAVEMENT REPAIR 2016 to Sommers Construction Co., Inc., in the amount of \$904,110.00.
  - D. To approve to award contract QUINCY STREET PUMP STATION REROOFING to Northern Metal & Roofing, in the amount of \$64,608.00.
  - E. To approve to award contract SEWERS 1-16 (INCLUDING WATER MAIN):

Part A to Feaker & Sons, in the amount of \$711,349.95.  
Part B to Degroot Construction, in the amount of \$1,231,216.81.  
Part C to Degroot Construction, in the amount of \$1,094,658.51.

- F. To approve to award contract SEWERS 2-16 (HUMBOLDT ROAD) to Peters Concrete, in the amount of \$449,860.90.
10. To approve the application for a Concrete Sidewalk Builder's License by JD Concrete Corporation and to authorize Department of Public Works to request and review references from Fisher Concrete Sawing, Inc., T & L Construction, and Weise Construction and approve the license applications if the references are acceptable.
11. To approve the application for a Tree & Brush Trimmer License by A to Z Tree Service LLC.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt Item #4.

Moved by Ald. Zima, seconded by Ald. Thomas DeWane to refer Item #4 back to the Improvement & Service Committee to work with the Department of Public Works and Law Department so that something can be done. Motion carried.

## **REPORT OF THE PERSONNEL COMMITTEE**

### **April 6, 2016**

The Personnel Committee, having met on Tuesday, March 22, 2016 considered all matters on its agenda and reports and recommends the following:

1. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
  - a. Forestry Worker I – Parks, Recreation & Forestry
  - b. Senior Mechanic – Public Works
  - c. Sanitation Laborer – Public Works
  - d. Account Clerk II - Finance
2. To approve out of state travel for Captain Paul Ebel to attend the annual NFL Security Conference June 1-3, 2016 in Orlando, Florida with no cost to the City for transportation or room and board.
3. To receive and place on file the report of routine personnel actions for regular employees.

4.
  - a. To approve the 2016 wage agreement between the City of Green Bay and the Parks and Forestry Labor Association with a 2% general salary increase effective with the start of the pay period in which October 1, 2016 occurs.
  - b. To approve the 2016-2018 labor agreement between the City of Green Bay and Local 857, Amalgamated Transit Union with a 2% general salary increase effective with the start of the pay period in which October 1 occurs in each year of the contract.
  - c. No update on police negotiations.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to adopt the report.  
Motion carried.

### **PROTECTION & WELFARE COMMITTEE REPORT APRIL 6, 2016**

The Protection & Welfare Committee, having met on Monday, March 21, 2016, considered all matters on the agenda and wishes to report and recommend the following:

1. To forward with no recommendation, the application for a "Class B" Combination License by LM Capital, LLC at 301 S. Broadway. (Formerly the Crunchy Frog) Held up at last meeting.
2. To approve request by the owners of Anduzzi's, 900 Kepler Drive, to hold an outdoor event on July 22-24 with music until 11:30 P.M. on July 23. The approval of the request is subject to complaint.
3. To approve the application for an available "Class B" Combination License by LVP SHS Green Bay Holding Corp, at 1011 Tony Canadeo Run with the approval of the proper authorities. (Currently Green Bay CS Hotel Group, LLC who hold a reserve license)
4. To approve the request by Ald. Nennig to allow the Art Garage to have up to four mobile food vendors on their property for a special event on April 21, 2016.
5. To approve the request by Ald. Wiezbiskie, on behalf of a constituent, to adopt a resolution supporting and recommending a seven day custody period for abandoned or stray animals.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Items #1 and #5. Motion carried.  
Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #1.

Moved by Ald. Wery, seconded by Ald. Tim DeWane to deny the application. Motion carried.

Moved by Ald. Wery, seconded by Ald. Scannell to adopt Item #1 as amended. Motion carried.

Moved by Ald. Wery, seconded by Ald. Wiezbiskie to adopt Item #5.

Moved by Ald. Scannell, seconded by Ald. Moore to refer Item #5 back to the Protection & Welfare Committee. Motion carried.

## **REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES**

**April 6, 2016**

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted.

Stipulations placed on licenses shall continue to be in effect.

### **OPERATOR LICENSES**

Anderson, April S  
Bessner, Emily M  
Dedesing, Julianna M  
Denault, Tasha M  
Hackel, Carissa A  
Hopkins, Christopher S  
Johnson, Jesse D  
Kettner, Courtney L  
Krueger, Anastasia N  
Lutz, Madisen R  
Murray, Karonda M  
Novak, Patricia R  
Olmsted, Thomas J  
Paluda, Kristin L  
Petry, Travis J  
Pietz, Joseph S  
Rosemergy, Chase E  
Schuette, Heidi A  
Singleton, Sebastian C  
Szatori, Cassie A  
Wicker, Beth F  
Willis, Brian J  
Witty, Jacob D  
Woodliff, Nicole L  
Yang, Kong  
Zittlow, Christopher J

Moved by Ald. Thomas DeWane, seconded by Ald. Nennig to adopt the report. Motion carried with Ald. Danzinger abstaining except for the approval of Christopher S. Hopkins, Madisen, R. Lutz, Patricia R. Novak and Chase E. Rosemergy.

### **RECEIVE & PLACE ON FILE**

Check register for February, 2016.

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to receive the register and place it on file. Motion carried.

### **RESOLUTIONS**

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting all of the resolutions, with the exception of the vacating resolution, with one roll call vote. Motion carried.

### **FINAL PAYMENTS RESOLUTION**

**April 6, 2016**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

**1. SEWERS 5-15 PART B**

**Insituform Technologies USA, LLC.**

<b>TOTAL AMOUNT EARNED:</b>	<b>\$ 129,591.55</b>
<b>LESS AMOUNT RETAINED:</b>	<b>\$ 0.00</b>
	<b>\$ 129,591.55</b>
<b>LESS AMOUNT PREVIOUSLY PAID:</b>	<b>\$ 126,136.87</b>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 3,454.68</b>

**ACCOUNT NUMBERS**

**403500-55355-63095: \$3,454.68**

**PO #1500198**

**2. RESURFACING 1-15 PART B**

**Northeast Asphalt, Inc.**

<b>TOTAL AMOUNT EARNED:</b>	<b>\$ 1,148,517.92</b>
<b>LESS AMOUNT RETAINED:</b>	<b>\$ 0.00</b>
	<b>\$ 1,148,517.92</b>
<b>LESS AMOUNT PREVIOUSLY PAID:</b>	<b>\$ 1,138,517.92</b>
<b>AMOUNT DUE THIS ESTIMATE:</b>	<b>\$ 10,000.00</b>

ACCOUNT NUMBERS

**401500E-55303-61035: \$10,000.00**

**PO #1500120**

**3. SEWERS 2-15 (INCLUDING WATER MAIN)**

**DeGroot Construction, Inc.**

**TOTAL AMOUNT EARNED:**

**\$ 402,152.59**

**LESS AMOUNT RETAINED:**

**\$ 0.00**

**\$ 402,152.59**

**LESS AMOUNT PREVIOUSLY PAID:**

**\$ 389,336.29**

**AMOUNT DUE THIS ESTIMATE:**

**\$ 12,816.30**

ACCOUNT NUMBERS

**501-12201-63055: \$2,307.90**

**412500E-55355-63055: 10,508.40**

**PO #1500168**

Adopted April 6, 2016

Approved April 7, 2016

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING  
AN EASEMENT AND HOLD HARMLESS AGREEMENT  
360 DEVELOPMENT  
UTILITY SERVICES FOR THE WATERMARK BUILDING  
April 6, 2016**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by 360 Development to place objects in the right-of-way of the Public Alley north of Cherry Street, south of Pine Street, west of Washington Street, utility services for redevelopment of the Watermark Building contingent upon receiving the applicable insurance, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted April 6, 2016

Approved April 7, 2016

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION REGARDING VACATING OF PORTIONS OF UNIVERSITY  
AVENUE, CLEMENT STREET, UNIVERSITY WAY AND FRED STREET  
(SV 15-02)**

April 6, 2016

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

That, based on the request for vacation filed heretofore, the report of the Plan Commission, and the public hearing held on the matter, it appears to be in the public interest that a portion of University Avenue, Clement Street, University Way, and Fred Street of the City of Green Bay, described on the attachment hereto, be, and the same is hereby vacated, abandoned, and discontinued, subject to the following conditions:



1. This Street Vacation and Closure request shall only be instituted if the related Easement Discontinuance (ED 16-01), CSM Variance Request (VR 16-01), CSM (CSM 15-05), Rezoning Request (ZP 15-17a), and PUD Request (ZP 15-17b) are approved.
2. A long-term closure agreement between University Avenue Center LLC and the City of Green Bay is required for University Avenue that details maintenance, improvements, and access rights along the closed portion of the roadway. This shall include language about the WisDOT retained portion of roadway.
3. Concerning the University Avenue Closure, petitioner is to pay all costs to create Access Easement(s) to all adjacent properties.
4. This Street Vacation and Closure request shall not become official until University Avenue Center LLC takes ownership of all adjacent properties currently under contract.
5. An agreed upon Traffic Impact Analysis shall be accepted by all required regulatory bodies prior to Final approval of this vacation/closure request.
6. A street design for Fred Street shall be determined and agreed upon between the petitioner, the Planning Department, and the Department of Public Works prior to the final approval of this request. The petitioner shall pay all costs associated with this, including costs for additional right-of-way if needed.
7. Language on the Proposed CSM that indicates "Fred Street Vacation" east of Lots 30 & 31 shall be removed.
8. Concerning the University Avenue Closure, access to sewers must be retained.
9. Concerning the University Avenue Closure, petitioner is to pay all costs to realign the area to meet with University Way.
10. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, an easement must be retained for the maintenance of existing sewers OR the petitioner is to pay all costs to relocate the sewers including acquisition costs for additional right-of-way or easements.
11. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, petitioner is to pay all costs to properly close pavement at intersecting street locations.
12. Concerning the University Avenue Closure and Clement Street Vacation, petitioner is to provide an easement (recorded in CSM 15-05) for existing fiber optic lines OR pay the costs to relocate this line, including acquisition costs for additional right-of-way or easements.
13. AT&T shall maintain an existing duct packing along the south side of University Avenue. A utility easement shall be provided for this in CSM 15-05.
14. This request cannot obstruct or violate in any way the easement rights, transmission assets, or alignment of poles and overhead conductors for American Transmission Company.

15. The petitioner shall reimburse Wisconsin Public Service for relocation of its facilities and shall provide a new easement in CSM 15-05.
16. Sidewalks shall be provided on both sides of the future extension of Clement Street.
17. The petitioner shall install a sidewalk around the northern perimeter (Sturgeon Bay Road/University Way) of the project area to replace the existing sidewalk connection.
18. Future sidewalk crossings shall be perpendicular to the streets.
19. Concerning the University Avenue Vacation, the current proposal does not appear to be ADA compliant for pedestrian crossings. All pedestrian treatments must be ADA compliant.
20. Breakaway signage will be required between the new Clement Street extension and Ruth/Van Deuren Street.
21. The petitioner shall relocate the existing transit stop within the project area.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution to be filed with the Register of Deeds for Brown County, Wisconsin.

Adopted April 6, 2016

Approved April 7, 2016

James J. Schmitt  
Mayor

Kris A. Teske  
Clerk

DESCRIPTION OF STREET VACATION AT UNIVERSITY AVENUE,  
CLEMENT STREET, UNIVERSITY WAY, AND FRED STREET  
(SV 15-02)

The vacation of a portion of Clement Street lying between the South right-of-way line of University Avenue and the North right-of-way line of Van Deuren Street, being part of the Southeast 1/4 of the Northwest 1/4, Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of said South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said South right-of-way of University Avenue and the Westerly extension thereof, 1661.02 feet to the West right-of-way of said Clement Street and the point of beginning; thence North 85°58'13" East, coincident with said South right-of-way line of University Avenue, 96.22 feet to the East right-of-way line of said Clement Street and the beginning of a curve concave to the Southeast; thence 17.87 feet coincident with said East right-of-way line of Clement Street and the arc of said curve, said curve having a radius length of 12.00 feet, a central angle of 85°18'55", and a chord that bears South 43°18'46" West, for a distance of 16.26 feet; thence South 00°39'18" West, coincident with said East right-of-way line of Clement Street, 276.24 feet; thence North 89°20'23" West, 77.00 feet to said North right-of-way line of Van Deuren Street and the beginning of a curve concave to the Northwest; thence 26.70 feet, coincident with said North right-of-way line of Van Deuren Street and the arc of said curve, said curve having a radius length of 17.00 feet, a central angle of 89°59'17", and a chord that bears North 45°38'57" East, for a distance of 24.04 feet to said West right-of-way line of Clement Street; thence North 00°39'18" East, coincident with said West right-of-way line of Clement Street, 240.41 feet to the beginning of a curve concave to the Southwest; thence 38.01 feet, coincident with said West right-of-way line of Clement Street and the arc of said curve, said curve having a radius length of 23.00 feet, a central angle of 94°41'05", and a chord that bears North 46°41'14" West, for a distance of 33.83 feet to said South right-of-way line of University Avenue and the point of beginning.

Said Vacation contains 17,315 square feet or 0.397 acres, more or less.

The vacation of a portion of Fred Street as dedicated on the Geimer Addition Subdivision Plat, recorded in Volume 9 of Plats, on Page 9, as Document Number 510131, in the Brown County Register of Deeds Office, being part of the Southwest 1/4 of the Northwest 1/4, Section 33, Township 24 North, Range 21 East, City of Green

Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of said South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said Westerly extension of the South right-of-way of University Avenue and the South right-of-way line of said University Avenue, 1130.33 feet to the intersection of the West right-of-way line of said Fred Street and said South right-of-way line of University Avenue, also being the Northeast corner of Lot 32 of said Geimer Addition and the point of beginning; thence continuing North 85°58'13" East, coincident with said South right-of-way line of University Avenue, 60.17 feet to the intersection of the East right-of-way line of said Fred Street and said South right-of-way line of University Avenue and the Northwest corner of Lot 1 of said Geimer Addition; thence South 00°17'00" West, coincident with said East right-of-way line of Fred Street, 142.00 feet; thence North 89°43'00" West, 60.00 feet to said West right-of-way line of Fred Street; thence North 00°17'00" East, coincident with said West right-of-way line of Fred Street, 137.48 feet to said intersection of the West right-of-way line of Fred Street and said South right-of-way line of University Avenue, also being said Northeast corner of Lot 32 of and the point of beginning.

Said Vacation contains 8,385 square feet or 0.192 acres more or less.

The vacation of a portion of University Way being part of Government Lot 3, Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of the South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said South right-of-way of University Avenue and the Westerly extension thereof, 2106.01 feet; thence North 04°01'47" West, 66.00 feet to the North

right-of-way line of said University Avenue, the Southeast corner of Lot 2 of Certified Survey Map Number 5538, recorded in Volume 36, on Page 227, in the Brown County Register of Deeds Office, and the point of beginning; thence North  $36^{\circ}56'56''$  East, coincident with said North right-of-way line of University Avenue, 80.55 feet to the Northeast corner of said Lot 2 and the South right-of-way line of said University Way; thence South  $53^{\circ}36'54''$  East, coincident with the Southeasterly extension of said South right-of-way line of University Way, 13.88 feet; thence South  $11^{\circ}57'58''$  East, 11.89 feet to the beginning of a curve concave to the Northwest ; thence 26.22 feet coincident with the arc of said curve, said curve having a radius length of 30.00 feet, a central angle of  $50^{\circ}04'09''$ , and a chord that bears South  $13^{\circ}04'07''$  West, for a distance of 25.39 feet; thence South  $38^{\circ}06'11''$  West, 21.27 feet to said North right-of-way line of University Avenue; thence South  $85^{\circ}58'13''$  West, coincident with said North right-of-way line of University Avenue 43.30 feet to the point of beginning.

Said Vacation contains 2,004 square feet or 0.046 acres, more or less.

The vacation of a portion of University Avenue being part of the Southeast 1/4 of the Northwest 1/4, part of the Southwest 1/4 of the Northwest 1/4, and part of Government Lot 3, all in Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North  $00^{\circ}21'44''$  East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of the South right-of-way line of University Avenue; thence North  $85^{\circ}58'13''$  East, coincident with said Westerly extension of the South right-of-way of University Avenue, 1130.33 feet to the intersection of said South right-of-way line of University Avenue and the West right-of-way line of Fred Street, also being the point of beginning; thence North  $00^{\circ}17'00''$  East, 13.62 feet; thence North  $58^{\circ}24'49''$  East, 113.31 feet to the Westerly extension of the North right-of-way line of said University Avenue; thence North  $85^{\circ}58'13''$  East, coincident with said North right-of-way line of University Avenue and said Westerly extension thereof, 684.29 feet; thence South  $00^{\circ}24'09''$  West, 66.20 feet to said South right-of-way line of University Avenue and the Northeast corner of

Parcel 1 of Certified Survey Map Number 1135, recorded in Volume 4, on Page 277, in the Brown County Register of Deeds Office; thence South 85°58'13" West, coincident with said South right-of-way line of University Avenue, 780.66 feet to said intersection of the South right-of-way line of University Avenue and the West right-of-way line of Fred Street, and the point of beginning.

Said Vacation contains 48,999 square feet or 1.125 acres, more or less.

The closure of a portion of University Avenue being part of the Southeast 1/4 of the Northwest 1/4 and part of Government Lot 3, all in Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of said South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said South right-of-way of University Avenue and the Westerly extension thereof, 1911.00 feet to the Northwest corner of Parcel 2 of Certified Survey Map Number 1135, recorded in Volume 4, on Page 277, in the Brown County Register of Deeds Office and the point of beginning; thence North 00°24'09" East, 66.20 feet to the North right-of-way line of said University Avenue; thence North 85°58'13" East, coincident with said North right-of-way line of University Avenue and the Easterly extension thereof, 314.14 feet to the Southeasterly extension of the South right-of-way line of University Way; thence South 53°36'54" East, coincident with said Southeasterly extension of the South right-of-way line of University Way, 44.60 feet; thence South 00°53'58" West, 37.22 feet to said South right-of-way line of University Avenue; thence South 85°58'13" West, coincident with said South right-of-way line of University Avenue, 350.01 feet to said Northwest corner of Parcel 2 and the point of beginning.

Said Closure contains 22,593 square feet or 0.519 acres, more or less.

Subject to the following conditions:

1. This Street Vacation and Closure request shall only be instituted if the related Easement Discontinuance (ED 16-01), CSM Variance Request (VR 16-01), CSM (CSM 15-05), Rezoning Request (ZP 15-17a), and PUD Request (ZP 15-17b) are approved.
2. A long-term closure agreement between University Avenue Center LLC and the City of Green Bay is required for University Avenue that details maintenance, improvements, and access rights along the closed portion of the roadway. This shall include language about the WisDOT retained portion of roadway.
3. Concerning the University Avenue Closure, petitioner is to pay all costs to create Access Easement(s) to all adjacent properties.
4. This Street Vacation and Closure request shall not become official until University Avenue Center LLC takes ownership of all adjacent properties currently under contract.
5. An agreed upon Traffic Impact Analysis shall be accepted by all required regulatory bodies prior to Final approval of this vacation/closure request.
6. A street design for Fred Street shall be determined and agreed upon between the petitioner, the Planning Department, and the Department of Public Works prior to the final approval of this request. The petitioner shall pay all costs associated with this, including costs for additional right-of-way if needed.
7. Language on the Proposed CSM that indicates "Fred Street Vacation" east of Lots 30 & 31 shall be removed.
8. Concerning the University Avenue Closure, access to sewers must be retained.
9. Concerning the University Avenue Closure, petitioner is to pay all costs to realign the area to meet with University Way.
10. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, an easement must be retained for the maintenance of existing sewers OR the petitioner is to pay all costs to relocate the sewers including acquisition costs for additional right-of-way or easements.
11. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, petitioner is to pay all costs to properly close pavement at intersecting street locations.

12. Concerning the University Avenue Closure and Clement Street Vacation, petitioner is to provide an easement (recorded in CSM 15-05) for existing fiber optic lines OR pay the costs to relocate this line, including acquisition costs for additional right-of-way or easements.
13. AT&T shall maintain an existing duct packing along the south side of University Avenue. A utility easement shall be provided for this in CSM 15-05.
14. This request cannot obstruct or violate in any way the easement rights, transmission assets, or alignment of poles and overhead conductors for American Transmission Company.
15. The petitioner shall reimburse Wisconsin Public Service for relocation of its facilities and shall provide a new easement in CSM 15-05.
16. Sidewalks shall be provided on both sides of the future extension of Clement Street.
17. The petitioner shall install a sidewalk around the northern perimeter (Sturgeon Bay Road/University Way) of the project area to replace the existing sidewalk connection.
18. Future sidewalk crossings shall be perpendicular to the streets.
19. Concerning the University Avenue Vacation, the current proposal does not appear to be ADA compliant for pedestrian crossings. All pedestrian treatments must be ADA compliant.
20. Breakaway signage will be required between the new Clement Street extension and Ruth/Van Deuren Street.
21. The petitioner shall relocate the existing transit stop within the project area.

Parcels Affected

21-2475-F-1

Owners Name and Mailing Address

Alba Reo LLC  
200 E. Washington Street #2A  
Appleton, WI 54911

21-1252-2

Mark and Michelle Conard  
3266 Peterson Road  
Green Bay, WI 54311-7238

21-1251

Mark and Michelle Conard  
3266 Peterson Road  
Green Bay, WI 54311-7238



21-1251-B	Mark and Michelle Conard 3266 Peterson Road Green Bay, WI 54311-7238
21-1251-A	Lyle and Janice Conard 2655 Shore Ridge Court Green Bay, WI 54311-7267
21-1254-2-D	Lee & Lee Inc. 2247 University Avenue Green Bay, WI 54302-4510
21-1254-3	Lee & Lee Inc. 2247 University Avenue Green Bay, WI 54302-4510
21-1254	Movado Investments LLC 314 N. Danz Avenue Green Bay, WI 54302
21-1254-2-C	Movado Investments LLC 314 N. Danz Avenue Green Bay, WI 54302
21-1254-2	Larry and Carol Ehlinger 2450 University Avenue Green Bay, WI 54302-5027
21-1714-E-32	Maurice S. Meyers & Martin Franke 136 E. Walker Street Milwaukee, WI 53204
21-1251-1	SRL2 Inc. 1740 Cofrin Drive Green Bay, WI 54302

Moved by Ald. Scannell, seconded by Ald. Tim DeWane to adopt the resolution.  
*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

12. Resolution ordering sidewalks constructed and issuing 60-day notices.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

## **ORDINANCES - FIRST READING**

### **GENERAL ORDINANCE NO. 4-16**

#### **AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

EAST SHORE DRIVE, north side, from a point 225 feet west of Utah Avenue to Utah Avenue

EAST SHORE DRIVE, both sides, from a point 40 feet west of Danz Avenue to Danz Avenue

**SECTION 2.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

EAST SHORE DRIVE, both sides, from a point 385 feet east of East Shore Circle to Nicolet Drive

**SECTION 3.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

RIDGE ROAD, east side, from a point 60 feet south of Shirley Street to a point 680 feet south of Shirley Street

RIDGE ROAD, west side, from a point 114 south of Shirley Street to a point 680 feet south of Shirley Street

**SECTION 4.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

RIDGE ROAD, east side, from a point 60 south of Shirley  
Street to Hickory Hill Drive

RIDGE ROAD, west side, from a point 114 south of Shirley  
Street to Hickory Hill Drive

**SECTION 5.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 6.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.  
Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

#### GENERAL ORDINANCE NO. 5-16

#### AN ORDINANCE AMENDING SECTION 29.307, GREEN BAY MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following 1-WAY STOP condition:

SAVAGE STREET at DEER TRAIL

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

**ORDINANCE - THIRD READING**

ZONING ORDINANCE NO. 7-16

AN ORDINANCE  
CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR  
PROPERTIES LOCATED IN THE 2400 BLOCK OF STURGEON BAY ROAD (2400  
BLOCK UNIVERSITY AVENUE)  
(ZP 15-17b)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS  
FOLLOWS:

**SECTION 1.** Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development District on the following described properties:

Legal Description: Proposed Lots 1, 2, 3, 4 as depicted on the enclosed proposed Certified Survey Map (CSM), Exhibit A.

Tax Parcel: A portion of 21-2475-F-1; 21-1254, 21-1254-2-C, 21-1254-2-D, 21-1254-3, 21-1252-2, 21-1251, 21-1251-B, 21-1251-A, 21-1714-E-32

**SECTION 2.** Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. Purpose and Intent. The purpose and intent of the Planned Unit Development (PUD) is to permit the construction of a Festival Foods and Kwik Trip as the primary anchors and act as a commercial gateway to University Avenue. Due to the proximity to residential properties, appropriate buffering is desired to minimize new construction yet, enhance the commercial corridor and its redevelopment. The general appearance and design of the site shall generally comply with the attached Exhibits A to G.
- B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:
  1. Grocery Store
  2. Convenience store, fueling area
  3. Car wash with hours of operation limited to 7:00 am to 9:00 pm
  4. Other uses as permitted within the General Commercial (C3) District.
- C. Dimensional and Area Requirements. Dimensional and area requirements for principle structures on the subject property shall be as required as follows:
  1. Festival Foods/Kwik Trip:
    - a. Front yard: 15 feet
    - b. Corner side yard setbacks: 10 feet
    - c. Interior side yard: 0 feet.
    - d. Rear yard setback: 15 feet and shall comply with the requirements found in Chapter 13-1820(c), Green Bay Zoning.
  - e. Buildings shall not exceed 35 feet in height, the front façade of the Festival Foods building shall not exceed 45 feet in height. The fuel island canopy shall not exceed 20 feet in overall height.
  - f. Impervious coverage: Festival Foods shall not exceed 86% of the site and may include interior lot landscaping as part of the calculation.
  - g. Impervious coverage: Kwik Trip shall not exceed 70% of the site may include interior lot landscaping as part of the calculation.
  - h. Setback areas shall exclude paving and buildings except, where accessed is deemed necessary for deliveries and Fire Department access.

- i. If any part of the development is adjacent to residential uses, the setback shall be compliant with Chapter 13-1820, Green Bay Zoning.

2. Multi-Tenant Commercial Development – Proposed Lot 3:

- a. University Way: 5 feet
- b. Sturgeon Bay Road: 15 feet
- c. Interior yard: 0 feet.
- d. The building shall not exceed 25' height.
- e. Impervious coverage shall not exceed 80% of the site.
- f. Setback areas shall exclude paving and buildings.

3. Commercial Development – Proposed Lot 4:

No formal development has been proposed future Lot 4, any future proposals shall be brought to the Plan Commission for review and approval as an amendment to this ordinance.

D. Architecture. All building elevations shall generally comply with Exhibits C & D and subject to the following requirements:

1. Ground floor facades that face public streets or pedestrian walkways shall have features, such as arcades, display windows, entry areas, awnings, or other such features for no less than forty percent (40%) of the horizontal length of the façade.
2. Wall articulation. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least one (1) of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
3. Four-sided design. All sides of the building shall include materials and design characteristics similar to and compatible with those on the front. Front building facades shall contain windows at the ground floor or first floor in order to create visual interest.
4. Proposed Lot 3: The exterior of the building shall contain a full masonry exterior and shall be similar in color to the proposed Festival Foods. All four-sides of the proposed building shall include but, not limited to similar architectural design, building material, glazing, roof-lines, doors and building façade materials.
5. Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

E. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code. All canopy lighting shall be recessed. No pole light shall exceed 25 feet in overall height and shall be shielded when adjacent to a property line or right-of-way line.

F. Signage. All signage for the current project shall be regulated as follows:

1. All signs shall be constructed and in compliance with Chapter 13-2004 Green Bay Zoning.
2. Proposed Lots 1 & 2 each are permitted one pylon sign not to exceed 20 feet in overall height. Each pylon sign may be illuminated and shall not exceed 125 square feet per sign face and shall resemble the style and materials of the principal structures. Reader-boards or electronic message centers are permitted and shall not exceed 30% of the sign face.
3. Proposed Lot 3 is permitted wall signage on only the front elevation and the rear elevation (University Way frontage) compliant with Chapter 13-2010, Table 20-2, Community Center Commercial (C3); no monument or pylon signs are permitted.
4. Proposed Lot 4 shall be permitted one illuminated monument sign not to exceed 8 feet in overall height; each sign face shall not exceed 100 square feet. Reader-boards or electronic message centers are permitted and shall not exceed 30% of the sign face.
5. Wall signs are permitted as allowed in Chapter 13-2010, Table 20-2, Community Center Commercial (C3).
6. Directional signs are not to exceed 12 square feet per sign face.
7. No signage, except for directional signage, shall face a residentially zoned parcel.
8. The existing billboard currently located at 2419 University Avenue may be relocated to proposed Lot 1. Prior to the issuance of a sign permit the following conditions shall be met:
  - a) Written approval or permit is provided from WisDOT.
  - b) The proposed sign may be two-sided and contain a static message panel not to exceed 672 square feet per panel.
  - c) The proposed sign shall be no higher than 30 feet and shall have a 10 foot under-clearance.
  - d) The proposed sign shall not project over the public right-of-way and remain 10 feet from any interior property line and 50 feet from any residentially zoned parcel.
  - e) A detailed site plan and sign permit application is submitted to the Planning Department.

G. Site Plan Review & Standards

1. A site plan shall be submitted and review per Chapter 13-1800.

2. All service, loading and refuse areas shall be screened per Chapter 13-1813, Green Bay Zoning but, may not encroach closer than 10 feet to a public right-of-way.
3. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Zoning.

H. Parking/Pedestrian Access.

1. All parking shall be regulated as required in Chapter 13-1700.
2. Proposed drives along future Clement Street may be no less than 90' measured from centerline to centerline.
3. No direct access from the site is permitted to Van Dueren Street from proposed Lot 1 and Lot 2.
4. Pedestrian access shall be provided from all public streets adjoin the development and connected via an internal pedestrian network to the primary entrance of the principal buildings.
5. A bus shelter shall be provided and the developer shall coordinate with Green Bay Transit for its placement.
6. Bike parking facilities provided adjacent to each principal building in close proximity to a primary entrance.

I. Landscaping/Transitional Yard

1. A detailed landscape plan shall be submitted identifying the type and placement of all plant materials.
2. A minimum 4' high but, not to exceed 8' high impervious fence is required along the southern limits of the Kwik Trip, proposed Lot 1 and Festival Foods proposed Lot 2.
3. All street terrace areas shall be vegetated and/or covered with a natural material.

- J. A stormwater management plan, meeting the standards established by the City's Department of Public Works, shall be submitted to and approved by the City prior to the issuance of a building permit. See Chapter 30, Green Bay Municipal Code.
- K. The proposed Certified Survey Map (CSM) be approved and recorded in accordance with Chapter 14 Green Bay Subdivision & Platting.
- L. The pending Traffic Impact Analysis (TIA) be completed and agreed to by the City of Green Bay and the developer.
- M. As of the drafting of this PUD not all properties had been acquired by the developer, any area not acquired shall be excluded from this PUD.
- N. The approval of the PUD is subject to the approval of previous action items



taken by the Plan Commission and Common Council including but not limited to: SV15-02, ED 16-01, VR 16-02 and ZP 15-17a.

- O. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the PUD.

**SECTION 3.** The provisions of this ordinance, including, without limitation, the granting of a conditional use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property.

All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

**SECTION 4.** Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6.** In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

**SECTION 7.** If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

**SECTION 8.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 6th day of April, 2016.

APPROVED:

Mayor James J. Schmitt

ATTEST:  
City Clerk Kris A. Teske

Moved by Ald. Scannell, seconded by Ald. Tim DeWane to adopt the ordinance as previously amended.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

### **COMMITTEE OF THE WHOLE**

**To review and discuss, with possible action, the negotiations regarding the Oneida Tribe service agreement.**

Moved by Ald. Sladek, seconded by Ald. Wery to send written notice to the tribe to terminate the Oneida Service Agreement.

*Roll call:* Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Moore, Wery, Zima, Steuer, Danzinger, Sladek. Noes: Tim DeWane, Nennig, Scannell. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adjourn at 9:46 P.M.  
Motion carried.

Kris A. Teske  
Green Bay City Clerk